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1962/10/31

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Reference: DODDIR 172/62

MEMORANDUM FOR THE DIRECTOR, JOINT STAFF

SUBJECT: Civil Affairs Proclamation No. 1 (U)

References: a. DJSM-1319-62
b. CINCLANT Message DTG 200036Z

Enclosed is a draft proclamation which received some thought during the recent crisis. It may be of use planning purposes in place of the draft proclamation contained in reference b. In light of the recent turn of events, however, no action has been taken to obtain departmental level approval of any such proclamation.

The introductory WHEREAS clauses would of course require modification in the future depending on possible circumstances. Therefore, a revised draft should be prepared by my office for final consideration and necessary action if the situation indicates possible imminent authorization to implement CINCLANT OPLANS 304-61 and 316-61, or any other plan requiring issuance of such a proclamation.

In my view the treatment of third country aliens is not a proper subject for such a proclamation. They should be treated in accordance with the provisions of the Geneva Conventions of 1949.

In view of the sensitive nature of this matter, distribution of the draft proclamation should be on a limited basis governed by the strictest interpretation of "need-to-know."

SIGNED

Paul H. Nitze
Assistant Secretary of Defense (ISA)

Attachment:

Rev. Draft Proclamation No. 1

Prep'd by: Col. Yeager/sw/10-31-62
0 ASD/ISA SSR 274689 4D-814

Distr: Cy 1 G 2, w/cy 1 attmt - Addee (D-40904)

cy 3, RGC w/attmt, cy 2

4, Comeback SSR

cy 6 - OSD

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PROCLAMATION NUMBER ONE (1)

TO THE PEOPLE OF CUBA:

WHEREAS the peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America:

WHEREAS the Organ of Consultation of the American Republics meeting in Washington on October 23, 1962, recommended that the Member States, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively, including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent;

WHEREAS, it has become necessary for the forces under my command to carry out the abovementioned recommendation of the American Republics by the use of armed force;

WHEREAS it is the policy of the forces of the United States (American States)* to protect the civilian inhabitants of Cuba in the peaceful exercise of their legitimate pursuits insofar as the exigencies of the situation and their own behavior will permit;

WHEREAS, in order to preserve law and order and provide for the safety and welfare both of my troops and of yourselves, it is necessary to establish control in the occupied territory:

NOW, THEREFORE, I, (insert name of CJTF), US Army, Commanding, United States (American States) Forces in Cuba by virtue of the authority vested in me do hereby proclaim as follows:

*This term would be utilized throughout the Proclamation in place of "United States" only if other American States join the United States in this operation or if U.S. action is sanctioned by the OAS.

I

All powers of government and jurisdiction in the occupied territory and over its inhabitants, and final administrative responsibility are vested in me as Commanding General and as the United States (American States) Civil Affairs Administrator. The United States (American States) Civil Affairs Administration of Occupied Territory is hereby established to exercise these powers under my direction.

II

All persons in the occupied territory will obey promptly all orders given by me or under my authority and must refrain from all acts hostile to the troops under my command or helpful to our enemies, from all acts of violence, and from any act calculated to disturb public order in any way.

III

Your existing personal property rights will be fully respected and your existing laws will remain in force and effect except in so far as it may be necessary for me, in the discharge of my duties as Commanding General of the United States (American States) Forces and as Civil Affairs Administrator, to change or supersede them by proclamation or order issued by me or under my direction.

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IV

All Cuban civil and criminal courts and all universities, schools and educational establishments will be closed until further order of the United States (American States) Civil Affairs Administration.

V

All national, provincial and municipal governmental functionaries and employees, and all officers and employees of state, municipal or other public services, except such officials and political leaders as are removed by me, are required to continue in the performance of their duties, subject to my direction or the direction of such officers of the United States (American States) Forces as may be delegated authority for that purpose.

VI

Further proclamations, orders, and regulations issued by me or under my authority from time to time, will specify what is further required of you, and what you are forbidden to do; and these will be displayed in courthouses, police stations, post offices, and other prominent public places.

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VII

So long as you remain peaceable and comply with my orders,
you will be subjected to no greater interference than may
be required in view of military exigencies.

Command General
The Forces of the United States.
(American States) and Civil
Affairs Administrator

Date _____ Place _____

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY AFFAIRS) INTEROFFICE CONTROL SHEET				DATE 10/31/62	LOG NUMBER I-26,172/62	
TO:	INITIAL	FOR				
		INFORMATION	CONCURRENCE	APPROVAL	SIGNATURE	ACTION
1 ASSISTANT SEC/DEF (ISA)				3		
DEPUTY ASD						
2 SPECIAL ASSISTANTS	<i>M. McQuade JSM</i>					
EXECUTIVE OFFICER	<i>JSM</i>					
1 DEPUTY ASD/REGIONAL AFFAIRS	<i>JSM</i>	1				
DIRECTOR, EUROPEAN REGION						
DIRECTOR, NESA REGION						
DIRECTOR, FAR EAST REGION						
DIRECTOR, W. HEMISPHERE REGION						
DIRECTOR, SINO-SOVIET REGION						
DIRECTOR, FOREIGN MIL RIGHTS AFFAIRS						
DIRECTOR, FOREIGN ECONOMIC AFFAIRS						
DEPUTY ASD/DISARMAMENT						
DIRECTOR, DISARMAMENT						
2 DEPUTY ASD/PLANNING AND NSC	<i>JR</i>	2	<i>Approved</i>	<i>Mr. Nitze</i>	<i>11-2-62</i>	
DIRECTOR, POLICY PLANNING STAFF						
DIRECTOR, COORDINATING STAFF						
DIRECTOR OF MILITARY ASSISTANCE						
DEPUTY DIRECTOR/MA						
CHIEF, PLANNING DIVISION						
CHIEF, PROGRAMMING DIVISION						
MA COMPTROLLER						
CHIEF, MANPOWER & TRNG DIVISION						
CHIEF, WPNS PRODUCTION & SALES DIVISION						
DIRECTOR, POLICY REVIEW STAFF	<i>JM</i>					
LEGAL ADVISOR	<i>JM</i>					
PUBLIC AFFAIRS						
4 RECORDS AND CONTROL (ISA)						4
SUBJECT Civil Affairs Proclamation No. 1 (draft)		ORIGINATOR AND EXTENSION Col. Yeager, x74689				
REMARKS MEMORANDUM FOR MR. NITZE						
<p>Director, Joint Staff has requested DOD(ISA) to obtain governmental level approval of a CINCLANT draft initial proclamation, as part of the planning requirements for CINCLANT OPLANS 314-61 and 316-61. The draft submitted contains some deficiencies that are corrected by a proposed ISA draft version. Since CINCLANT's initial draft version is now being used for planning purposes, it is advisable to replace it with a more acceptable version.</p> <p>Recommend signature of the attached memorandum to the Director, Joint Staff.</p>						
<p>Coordination: General Counsel (Mr. McNaughton & Mr. Yarmolinsky) Concur.</p>		 F. J. YEAGER Colonel, USA Director Sino-Soviet Region				